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City of Montgomery
City Council Work Session Minutes
July 18, 2007

Present

Cheryl Hilvert, City Manager
Doug Miller, Acting Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager
Peter Hames, Finance Director
Bob Nikula, Public Works Director
Amber Morris, Recreation Director
Matthew Vanderhorst, Customer Service Director

City Council Members Present

Gerri Harbison, Mayor
Mark Combs
Barry Joffe
William Niehaus
Lynda Roesch
Todd Steinbrink
Ken Suer

City Council convened in Council Chambers for the work session at 7:00 p.m. with Mayor Harbison presiding.

ROLL CALL

Mayor Harbison asked for a motion to dispense with the roll call since everyone was in attendance.

Mr. Steinbrink moved to dispense with the roll call. Mr. Joffe seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

Mrs. Crittenden, 9869 Forestglen Drive, explained that she had called earlier this week and asked for a copy of the audit report of 2006. She talked to a woman named Evelyn who informed her that she could not give her a copy of the audit report because it had not gone to City Council, which ended up not being the story. She further explained that she was then given two other stories, but after she was told the first story, she decided to call the Attorney General's Office. When she talked to the Attorney General he said that, if this was the case, then she was entitled to a copy and that there was no way she had to wait until the City Council approved the report. The Attorney General's office also stated; that once it is published the draft was public information and should be available to the public. She also explained that she then told him about the trouble they that once there was a draft set of minutes; they were not allowed to have a copy until the minutes were approved by the City Council. The Attorney General's office told her that it was illegal and if City Council had any questions about that, they should call the Attorney General's Office. She further explained that she knew City Council wanted to do what's right and what's legal. Originally they were allowed to have the Planning Commission minutes when the minutes were in draft form, however Mr. Donnellon stopped that and they were never allowed City Council minutes until the minutes were approved. She explained that since she had that conversation and since that is what the Attorney General's office said, she knew that City Council will look into it and correct the situation and allow them to see the minutes.

Ms. Hilvert noted that if the request is for the report from the 2006 audit, it is her understanding that it has not been received by the city.

Mrs. Crittenden stated that was the third story that she heard from Mr. Wayne Davis.

Ms Hilvert indicated that it is the truth and not a story. She further indicated that Mrs. Crittenden would be entitled to the 2006 audit report when it comes in, but it has not been received.

54 Mrs. Crittenden explained that was what she finally heard, but it was the first story that she was told that she
55 could not have the report because it had not been approved by City Council, then the second story she was told
56 that it was at the printers and the third story she was told was that it had not been completed. She further
57 explained that it was after the first story that she called the Attorney General's Office and that she gave this
58 information to Ms. Hilvert so she would know what prompted her to call the Attorney General's Office and how
59 she got to discussing the minutes. She also explained that she hoped City Council would correct this situation
60 now that they knew about the minutes and they would look into the matter.

61
62 Ms. Hilvert asked Mrs. Crittenden for the name of the individual she talked to at the Attorney General's Office.

63
64 Mrs. Crittenden indicated that she talked to the public relations office and they talked to other people, so Ms.
65 Hilvert could start with them.

66
67 Ms. Hilvert noted that she would like to know the name of the individual that Mrs. Crittenden spoke with, and
68 that she had mentioned this matter to Mr. Donnellon and that he asked her to inquire of Mrs. Crittenden for the
69 name individual.

70
71 Mrs. Crittenden indicated that she would call Ms. Hilvert tomorrow with the information; however she would
72 think that Mr. Donnellon would have his own sources because who she talks to and who an elected official talks
73 to is probably different.

74
75 Ms. Hilvert stated that Mr. Donnellon has asked for the name of the individual with whom she spoke, because
76 this will help in speaking to the same individual.

77
78 **LEGISLATION FOR CONSIDERATION TONIGHT**

79
80 Mr. Miller, Acting Law Director, explained that the city submitted the property tax levy resolutions to the
81 County Auditor's Office. Mr. Nurre the Chief Assistant, contacted Mr. Terry Donnellon asking that the
82 resolution be amended to cite the specific statutory Section under Ohio Revised Code section 5705.19 for which
83 the levies are submitted. He further explained that in the past, it was required that the city use the same
84 language from the Code Section, but the Auditor's Office has now asked that the city list not only the specific
85 language, but the actual Code section.

86
87 Mr. Suer moved to add the following piece of legislation to the agenda for consideration tonight. Mr. Niehaus
88 seconded.

89
90 The roll was called and showed the following vote:

91
92 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
93 NAY: (0)
94 ABSTAIN: Roesch (1)

95
96 Mayor Harbison assigned the legislation to Mr. Combs for reading.

97
98 **Amended Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation to .75**
99 **Mills and Requesting the County Auditor to Certify Matters in Connection Therewith**

100
101 Mr. Combs moved to read the resolution by title only. Mr. Joffe seconded. City Council unanimously agreed.

102
103 Mr. Combs read the resolution by title only and moved passage. Mr. Suer seconded.

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104

105 Mr. Combs explained that City Council recently adopted legislation to request the Hamilton County Auditor to
106 certify the amount of revenue that could be collected from a .75 millage rates for a potential park levy that could
107 be placed on the ballot alongside the initiative petition issue. As Mr. Miller explained, the city has been advised
108 that the Auditor would like to have some additional language that refers to the specific code section of the Ohio
109 Revised Code in these certification requests. Therefore, if adopted, this resolution will amend the previous
110 resolution to include the specific code sections.

111

112 Ms. Connie Pillich, 9910 Forestglen Drive, stated that she was wondering what other alternatives City Council
113 has evaluated besides the tax levy.

114

115 Mayor Harbison indicated that City Council is looking at all options. She further indicated that City Council
116 doesn't want to strip whatever reserves the City has and that is why City Council is looking at putting it before
117 the voters.

118

119 Mr. Miller explained that in order to put an additional type of tax levy on the ballot that would be in excess of
120 the 10-mill limitation, then the first step in that requirement would be to request a certification from the County
121 Auditor as to how much that particular millage would raise in the City of Montgomery. He further explained
122 that until the numbers are obtained from the County Auditor, City Council doesn't know if it desires to put a tax
123 levy on the ballot, or how much the levy would raise. This is the preliminary step of requesting from the County
124 Auditor how much would .75, 1.0 and 1.25 mills would raise. He also explained that City Council can then
125 decide if they want to put any of those amounts on the ballot, but before City Council can do anything in terms
126 of a tax levy, it is a requirement that the city obtain the certification from the County Auditor.

127

128 Mayor Harbison noted that this is as much information gathering as anything else at this point.

129

130 Ms. Pillich asked what other things City Council is looking at. She indicated that she was here for the last two
131 or three minutes of the Montgomery Improvement Committee where City Council was talking about targeted
132 purchases of real estate in the City of Montgomery. She further indicated that she didn't hear much of what City
133 Council was talking about, but obviously City Council was looking at a lot of things, but it seemed to her that
134 City Council should be exploring, besides raising taxes, the spending priorities in different ways and if so, when
135 would City Council be talking about that.

136

137 Mayor Harbison explained that City Council does discuss expenditures every year during the budget process.
138 She further explained that every city has a Community Improvement Corporation, which discusses ways to
139 provide pass throughs and ways to stimulate business growth. She also explained that what this City Council
140 was discussing tonight were some ways that the corporation could provide matching grants to the Historic
141 District property owners to help with the cost of natural materials since the costs of these materials are becoming
142 increasingly more expensive. Also discussed were ways to help stimulate interest in beautifying the properties
143 along Montgomery Road from Main Street to Schoolhouse Lane. She also explained that there were other
144 options that City Council did not discuss because they were not on the table at this point.

145

146 Ms. Pillich asked in what forum City Council would be talking about these different options for levying funds.
147 Obviously this has been spurred by the initiative that has been delivered to City Council and she thought that
148 City Council was doing this in the event that it does pass. She stated that she thought that City Council
149 automatically started looking into a tax levy, however the initial parkland initiative states that once this is
150 passed, then the first step that City Council does is to create and implement a plan. She further stated that this
151 seems to be premature to her, that City Council would be considering raising taxes here in July when we don't
152 know what the story will be until November 8th.

153

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154 Mr. Miller explained that one of the constraints that the city has is if City Council wants to put a levy on the
155 ballot, then the proper document has to be to the Board of Elections by August 23rd. He further explained that
156 the city does know how long the Auditor is going to need in order to make these certifications, especially when
157 there are you have multiple certifications, and during this time of the year because every other community is
158 asking the same question. He also explained that City Council has to start that process soon enough in order to
159 get this resolution passed so that the resolution can presented to the auditor so they can take whatever time they
160 need to get that certification back to the city. Then the City Council has to decide if they want to put something
161 on the ballot, then that resolution has to be passed and taken down to the Board of Elections 75 days prior to the
162 elections.

163
164 Ms. Pillich stated that she understood the requirements, however she didn't understand why City Council would
165 want to rush and put it on the November ballot and why not wait until the primary, which, depending upon the
166 State House, could be in January, 2008.

167
168 Mr. Combs indicated that it is a fundamental fairness question for every resident in the community. He further
169 indicated that if there is going to be an expectation that the residents are going to have to pay for the park, then
170 the residents should know about that at the time they are voting. He also indicated that the city doesn't have
171 much of an opportunity to evaluate where the city could cut other areas or what the city would cut to make this
172 work. The other thing that City Council doesn't know is the evaluation that will be established in this primary if
173 it goes forward.

174
175 Ms. Pillich asked if Mr. Combs was taking about the appraisal.

176
177 Mr. Combs indicated that he was talking about the appraised values. He further indicated that he has seen some
178 broad ranges and the cost of litigation has to factor in, because there will be some major litigations.

179
180 Ms. Pillich stated that she disagreed and she thought that the city does have a very good idea of what it could
181 cost. She further stated that obviously there was a willing buyer and a willing seller for the Boymel property
182 and that should have been in their proposal submitted to the Planning Commission in accordance with the City
183 Charter and the City Code of Ordinances. She also stated that it seems to her that City Council has already
184 decided that they are not going to readjust their spending priorities, and that they want to make sure that the
185 citizens have a tax levy and this is the only thing that City Council is going to consider at this point.

186
187 Mr. Steinbrink explained that without knowing the numbers from the potential of the levy or not knowing the
188 numbers to compare to the budget or not knowing the numbers to compare to the potential cost of the properties
189 ,City Council cannot do any analysis without the information from the County Auditor.

190
191 Ms. Pillich asked when City Council will get together to analyze this information.

192
193 Mr. Steinbrink indicated that City Council meets every two weeks.

194
195 Ms. Pillich asked if this would only be discussed in a City Council meeting.

196
197 Mayor Harbison indicated that it will be a City Council meeting or a special meeting of City Council where
198 appropriate notice will be provided.

199
200 The roll was called and showed the following vote:

201
202 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)

203 NAY: (0)

204 ABSTAIN: Roesch (1)

205

206 Mr. Combs moved to add the following piece of legislation to the agenda for consideration tonight. Mr.
207 Steinbrink seconded.

208

209 The roll was called and showed the following vote:

210

211 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)

212 NAY: (0)

213 ABSTAIN: Roesch (1)

214

215 **Amended Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation to 1.0**
216 **Mills and Requesting the County Auditor to Certify Matters in Connection Therewith**

217

218 Mr. Combs moved to read the resolution by title only. Mr. Suer seconded. City Council unanimously agreed.

219

220 Mr. Combs read the resolution by title only and moved passage. Mr. Niehaus seconded.

221

222 Mr. Combs explained that City Council recently adopted legislation to request the Hamilton County Auditor to
223 certify the amount of revenue that could be collected from a 1.0 millage rates for a potential park levy that could
224 be placed on the ballot alongside the initiative petition issue. As Mr. Miller, explained the city has been advised
225 that the Auditor would like to have some additional language that refers to the specific code section of the Ohio
226 Revised Code in these certification requests. Therefore, if adopted, this resolution will amend the previous
227 resolution to include the specific code sections.

228

229 Mrs. Bradley, 10113 Woodfern Way, indicated that she thought that she heard Mr. Combs say the he had heard
230 a range of appraisal valuations for the properties and she was wondering if he could share the range.

231

232 Mr. Combs stated that he would rather not at this point in time, because he doesn't want the property owners to
233 hear any numbers from him without having the benefit of an appraisal.

234

235 Mrs. Bradley asked if they would be able or allowed to find out what the Boymel property sold for.

236

237 Mr. Miller explained that if the property has been sold, then it is a matter of public record.

238

239 Mr. Combs indicated that it is a private contractual matter, but the County Auditor does maintain a record of all
240 real estate purchases.

241

242 Mr. Suer explained that he thought that all sorts of numbers were flying around at this point in them for low
243 numbers to high numbers. He further explained that the numbers are all over the board and he has no idea what
244 the real numbers will turn out to be, but there are all kinds of speculations right now. He also explained that Mr.
245 Combs is correct that City Council cannot sit here at this point in time and publicly speculate on what City
246 Council thinks the number will be because City has nothing to base it on. He indicated that there all kinds of
247 rumors flying and that Mrs. Bradley has probably heard them herself.

248

249 Mrs. Bradley asked what City Council thought would be the source for determining the final estimate.

250

251 Mr. Combs noted that it would be an appraisal.

252

253 Mr. Steinbrink indicated that it could even be litigation.

254
255 Mr. Miller recommended that City Council not have discussions on dollar amounts.
256

257 The roll was called and showed the following vote:
258

259 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
260 NAY: (0)
261 ABSTAIN: Roesch (1)
262

263
264 Mr. Suer moved to add the following piece of legislation to the agenda for consideration tonight. Mr. Combs
265 seconded.
266

267 The roll was called and showed the following vote:
268

269 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
270 NAY: (0)
271 ABSTAIN: Roesch (1)
272

273 **Amended Resolution Declaring the Necessity of Levying a Tax in Excess of the 10-Mill Limitation to 1.25**
274 **Mills and Requesting the County Auditor to Certify Matters in Connection Therewith**
275

276 Mr. Combs moved to read the resolution by title only. Mr. Joffe seconded. City Council unanimously agreed.
277

278 Mr. Combs read the resolution by title only and moved passage. Mr. Niehaus seconded.
279

280 Mr. Combs explained that City Council recently adopted legislation to request the Hamilton County Auditor to
281 certify the amount of revenue that could be collected from a 1.25 millage rates for a potential park levy that
282 could be placed on the ballot alongside the initiative petition issue. As Mr. Miller explained, the city has been
283 advised that the Auditor would like to have some additional language that refers to the specific code section of
284 the Ohio Revised Code in these certification requests. Therefore, if adopted, this resolution will amend the
285 previous resolution to include the specific code sections.
286

287 The roll was called and showed the following vote:
288

289 AYE: Combs, Joffe, Harbison, Niehaus, Suer, Steinbrink (6)
290 NAY: (0)
291 ABSTAIN: Roesch (1)
292

293 **ESTABLISHING AN AGENDA FOR AUGUST 1, 2007**
294

295 **Pending Legislation**
296

297 **An Ordinance Adopting Goals and Policies for a Montgomery Comprehensive Community Plan (3rd**
298 **Reading)**
299

300 Mr. Steinbrink indicated that he would not in attendance at the next meeting, so he asked that someone else take
301 over the third reading.
302

303 Mr. Steinbrink moved to accept amendments to the comprehensive plan. Mr. Suer seconded. City Council
304 unanimously agreed.
305

306 Mr. Steinbrink explained that the Planning, Zoning and Landmarks Committee of City Council recommended
307 that the Environmental section of the plan be expanded and that staff solicit a recommendation from the
308 Environmental Commission to supplement this section of the Plan.
309

310 Mr. Frank Davis, Community Development Director, explained that he met with both the Environmental
311 Commission and later the Chairman of the Commission. The Commission recommended adding three additional
312 goals: one which dealt with encouraging “green building” technology; another which addressed solid waste
313 disposal; and the third involving energy consumption. He further explained that a copy of these revisions was
314 provided to the Planning Commission, which approved the modification at their meeting on July 16, 2007.
315

316 Mr. Frank Ricci, 10360 Penderly Drive, noted that as far as “green technology”, there are things that the City can
317 do right now and there are things that are evident that the city has done, such as at the Cemetery where the parking
318 lot is made of perforated brick, which allows the grass to grow through and creates a heat island. However, at the
319 hospital parking, where they have encroached into the setbacks, the city should be talking to them about planting
320 trees instead of talking to them about tax deductions or tax abatements.
321

322 Mr. Frank Davis indicated that this plan is only a guide for the next ten years and one of the next steps would be
323 for the Environmental Commission to perform some research and make recommendations to the Planning
324 Commission and City Council.
325

326 **An Ordinance Establishing Regulations for Street Furniture/Furnishings in the Heritage Overlay District**
327 **(3rd Reading)**
328

329 **New Legislation**
330

331 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Don S. Cisle**
332 **Contractor Inc. for the 2007 Remington Road Improvement Project**
333

334 Mr. Bob Nikula, Public Works Director, explained that he is requesting that City Council adopt a resolution
335 accepting a bid and authorizing the City Manager to enter into a contract with Don S. Cisle Contractor Inc. for the
336 2007 Remington Road Improvement Project. He further explained that the funding for these improvements are
337 included in the 2007 capital improvement program and through the Hamilton County Engineers Municipal Road
338 Fund Grant Program.
339

340 **A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to**
341 **the Compliance of all Tax Increment Financing Districts within the City of Montgomery**
342

343 Ms. Hilvert explained that it is necessary that City Council adopt a resolution to affirm the report of the
344 Montgomery Tax Incentive Review Council regarding the status of all current tax increment financing districts in
345 the city in terms of their compliance with all requirements of the agreements that created the district. She further
346 explained that the Ohio Law mandates that City Council approve, reject or remand the decision of local tax
347 incentive review councils relative to the compliance of the existing tax increment financing district. This
348 resolution, indicating City Council’s action, is required to be filed with the Ohio Department of Development by
349 September 1st of each year.
350

351 **A Resolution Designating Records Managers for the City of Montgomery**
352

353 Ms. Hilvert explained that staff is requesting that City Council adopt a resolution naming a public records request
354 custodian for the City of Montgomery. She further explained that with the adoption of House Bill 9, the procedure
355 for public records disclosure has been changed by the State of Ohio. The specific records to be disclosed and the
356 requirement for prompt disclosure remains the same, but the Bill has enacted procedures requiring the City to more
357 specifically identify our records disclosure policy, provide training and specifically outline penalties for violations.
358 The most significant changes require training for elected officials or their designee and the designation of a person
359 or persons who will have overall responsibility for managing the records requests. She also explained that this
360 resolution will name the Executive Secretary and Administrative Coordinator as the city's public record request
361 custodians.

362
363 **A Resolution Authorizing the City Manager to Enter into a Contract with UnitedHealthcare to Provide**
364 **Medical Coverage for Full-Time Employees**
365

366 Mr. Dan Miller, representing the Employee Health Care Benefits Committee, explained that the Health Care
367 Benefits Committee is requesting that City Council authorize the City Manager to enter into a contract with
368 UnitedHealthcare for health insurance coverage for the City's full-time employees. He further explained that
369 each year, the city must bid its health insurance coverage. Thirteen proposals were received from five different
370 providers with rates varying from a high of a 41% increase from Humana to a proposal from Medical Mutual, a
371 company base in the Cleveland, offering a 24% increase over current coverage, and the low quote of a 30%
372 decrease from UnitedHealthcare. The Health Care Benefits Committee evaluated the proposals, which took into
373 account benefits levels, coverage and any changes to current benefit levels to achieve cost savings. After
374 evaluating the proposal the Health Care Benefits Committee is recommending UnitedHealthcare as the carrier,
375 with two plans for employee coverage: a Preferred Provider Organization (PPO) plan and a High Deductible
376 Health Plan with a Health Savings Account (HDHP/HSA). The PPO plan offers a 4% increase over last year's
377 premium, while the HDHP/HSA plan reflects a 7.5% increase.

378
379 Ms. Hilvert explained that she could not say enough about the value of this committee. They have been in place
380 now for nine years and the city has been able to reinstituted some health care insurance caps. This committee
381 has worked effectively over the nine years to negotiate rates to save the city money. She further noted that the
382 committee has done a great job of educating the staff on health care, created tier coverage's under the PPO and
383 POS and introduced the staff to HSA coverage. She also noted that the committee has won several awards for
384 the work they've done and the rates of increase have been half of other communities.

385
386 Mr. Combs noted that the thing he has found most impressive is the fact the staff has been able to do this much
387 with a small group and maintain this much flexibility.

388
389 Mr. Steinbrink indicated that if you put it to numbers, the committee was able to obtain a \$19,000 annual
390 increase in premium instead of the \$149,000 increase from Anthem, which represents a \$121,000 saving to the
391 city.

392
393 **A Resolution Authorizing the City Manager to Enter into a Contract with Dental Care Plus to Provide**
394 **Dental Coverage for Full-Time Employees**
395

396 Ms. Becki Wellbrock, representing the Employee Health Care Benefits Committee, explained that the Health
397 Care Benefits Committee is requesting that City Council authorize the City Manager to enter into a contract with
398 Dental Care Plus for dental insurance coverage for the city's full-time employees. She further explained that
399 each year, the city must bid its dental insurance coverage. The city received a quote from the current carrier,
400 Dental Care Plus, showing a 3% renewal rate increase and no reduction in services over the current coverage.
401 Based on the City's past experience with Dental Care Plus and the reasonable renewal rates, the committee
402 elected not to solicit additional quotes from other carriers for dental coverage. She also explained that the

403 committee agreed to recommend continuing to cover vision care for those employees who select the Preferred
404 Provider Organization (PPO) option through a self-insured program with coverage per employee not to exceed
405 \$405.48 for vision care for the policy year.
406

407 **A Resolution Authorizing the City Manager to Enter into a Contract with Lincoln Financial Group to**
408 **Provide Life Insurance Coverage for Full-Time Employees**
409

410 Mr. Patrick Morgan, representing the Employee Health Care Benefits Committee, explained that Employee Health
411 Care Benefits Committee is requesting that City Council authorize the City Manager to enter into a contract with
412 Lincoln Financial Group for life insurance coverage for the City's full-time employees. He further explained that
413 Committee is recommending that the City continue with our current carrier Lincoln Financial Group, previously
414 known as Jefferson Pilot Financial, at the current rates.
415

416 **An Ordinance Amending Section 34.05 of the Code of Ordinances Establishing Employee Benefits and**
417 **Declaring an Emergency**
418

419 Mr. Wayne Davis explained that the City management staff has conducted wage and benefit discussions with all
420 non-contract employees and also reviewed all employee benefits for possible revision. He further explained that
421 the recommended changes to the employee benefits ordinance would include a 6% adjustment to medical
422 insurance "caps" in 2007, 2008, and 2009 and a 3% adjustment to dental/optical insurance "caps" for 2007, 2008
423 and 2009; incentives from the city over the next three years to encourage employee to move to the High Deductible
424 Health plan/Health Savings Account (HDHP/HSA) plans; elimination of the sick leave incentive bonus program,
425 as well as a \$100 increase in the wellness program benefit available to employees; a bonus program to reward
426 exempt employees for considerable extra work time spent over and above their expected work hours, and lastly the
427 proposed ordinance has some housekeeping language changes as a result of the recent labor negotiations.
428

429 Ms. Hilvert explained that the administration is requesting that City Council consider rule suspension on this
430 ordinance. She further explained that the reason for this request was because of the health insurance caps and
431 the fact that the health insurance does take affect on September 1st. She also explained that the other benefit
432 adjustments will not take affect until the beginning of 2008. She noted that she was aware of an editorial that
433 appeared in the local paper about her requesting that City Council adopt the employee wage ordinance with rule
434 suspension, however she very rarely asks City Council to do these things. She further noted that she will always
435 ask that the benefits ordinance be passed with rule suspension because the city does not get the health insurance
436 information until basically two weeks prior to the ordinance appearing on the City Council's agenda for
437 consideration, so it is impossible for City Council to go through the three reading process on this matter and to
438 allow enough time to put these benefits in place by September 1st. She also noted that the wage ordinance was
439 requested with rule suspension because the administration was holding the wage discussions in the hope that
440 they would be finished with the FOP. The July 1st date is the date on which all employees, with the exception of
441 the fire department, get their annual adjustment and it has been that way for a long time and it will continue to
442 be that way according to the labor contracts. She further explained that it was the hope to try and keep the
443 employees the same in terms of wages and benefits; however, the FOP has not been able to reach an agreement.
444

445 Mr. Suer stated that the City Council very rarely uses rule suspension and the record will show that and in this
446 particular case he agrees with Ms. Hilvert's explanation. He further stated that he thinks that as far as the
447 editorial the missing information there was the fact that the City has specific deadlines that have to be met with
448 labor contracts.
449

450 Mr. Combs indicated that it would be one thing if this City Council was operating like Congress, that you
451 receive the budget two days before you are to read and pass a 4,000 page document. He further indicated that in
452 this case City Council had the information well in advance and had the opportunity to go through it and ask the

453 questions that need to be asked and it was an informed decision. He also indicated that this is the critical
454 component in his mind to make the right decision.

455

456 **ADMINISTRATION REPORT**

457

458 Ms. Hilvert reported on the following items:

459

460 • A huge thanks to all Council members, staff and volunteers for a great July 3rd, July 4th and Bastille
461 Day. These event culminated a series of high profile activities on which everyone has worked very hard
462 over the last few months, including Homearama. All the events were very well attended and our city
463 was represented very well at each of them.

464

465 • The city has received a report from the traffic consultant regarding the U-turns on Montgomery Road
466 being a safety hazard. Staff is preparing more information on this issue for review by the Law and
467 Safety Committee and Public Works Committee of City Council. Staff would like to schedule a joint
468 meeting of the committees in September.

469

470 Ms. Hilvert reminded City Council that they needed to add a resolution authorizing a grant of funds to the
471 Montgomery Community Improvement Corporation.

472

473 The following resolution was added to the August 1, 2007 business session agenda for consideration that night.

474

475 **A Resolution Authorizing a Grant to the Montgomery Community Improvement Corporation**

476

477 Ms. Hilvert explained that Susan Hamm had hand delivered the initiative petitions to the Hamilton County
478 Auditor's Office on Monday for the verification of signatures. The petitions contained 854 signatures with 754
479 determined to be valid; the necessary amount of signatures based upon the last municipal election was 352. She
480 further explained that the next steps in the process would be to appoint a committee, schedule a public hearing,
481 and vote if the matter should be referred to the November ballot. She also explained that August 23, 2007 is the
482 final date for placing items on the November ballot.

483

484 **MAYOR'S COURT REPORT**

485

486 Mrs. Harbison reported that the total Mayor's Court collections for the month of June, 2007 were \$20,804.00.

487

488 Mr. Steinbrink moved to accept the Mayor's Court collections for the month of June, 2007. Mr. Combs
489 seconded. City Council unanimously accepted the collections.

490

491 **CITY COUNCIL MEMBERS REPORTS**

492

493 Mr. Suer explained that the city had received an email from the wife of a FBI agent that was killed in the
494 airplane that crashed into the Sheppard Bookstore 25 years ago. She was asking if the city planned on having a
495 25 year commemoration ceremony. He further explained that the Government Affairs Committee of City
496 Council did discuss this matter and have asked the Police Chief to contact the local FBI agency and see if they
497 could like to assist in planning a ceremony.

498

499 Mr. Niehaus explained that the Public Works Committee of City Council met and discussed installation of a
500 traffic signal at the Bethesda North Emergency Entrance. He further explained that Mr. Nikula is obtaining
501 further information on this matter from the Ohio Department of Transportation and Bethesda North Hospital

502 and will be providing the committee with an analysis in the near future.

503

504 Ms. Roesch indicated that the Beautification and Tree Commission are working on the beautification awards.
505 She further indicated that the Parks and Recreation Commission reviewed the consultant's recommendations on
506 the 10 year comprehensive plan. She also indicated that the Parks and Recreation Commission will be holding
507 two public meeting to review these recommendations on August 27th and August 29th at 6:30 p.m. at City Hall.

508

509 Mayor Harbison noted that she would be attending the Bastille Day Committee wrap-up meeting.

510

511 **OTHER BUSINESS**

512

513 Mayor Harbison indicated that City Council needed to appoint a committee to review the initiative petitions.
514 She further indicated that the last time an initiative petition was received, City Council did appoint all member
515 of City Council as a whole to be the review committee. She asked if anyone had any objections and asked for a
516 motion.

517

518 Mr. Steinbrink moved to appoint City Council as a whole as the committee as. Mr. Niehaus seconded.

519

520 The roll was called and showed the following vote:

521

522 AYE: Combs, Joffe, Harbison, Niehaus, Roesch, Suer, Steinbrink (7)

523 NAY: (0)

524 ABSTAIN: (0)

525

526 Mayor Harbison indicated that a date and time needed to be established for the public hearing on the initiative
527 petition.

528

529 Mr. Combs moved to establish the date and time on the public hearing on the initiative petition for August 8,
530 2007 at 6:30 p.m. at City Hall. Mr. Suer seconded.

531

532 The roll was called and showed the following vote:

533

534 AYE: Combs, Joffe, Harbison, Niehaus, Roesch, Suer, Steinbrink (7)

535 NAY: (0)

536 ABSTAIN: (0)

537

538 Ms. Hilvert explained that the third item in this matter concerned City Council elect to put the petition on the
539 November ballot or should City Council electing to put the park levy issue on the ballot. City Council will have
540 to schedule a special meeting to consider that legislation. She further explained that City Council could either
541 do that after the public hearing on August 8th or they could schedule another date or schedule legislation for
542 consideration on August 22nd, which will give the staff the next day to deliver the legislation to the Board of
543 Elections.

544

545 Mayor Harbison asked if the information on the tax levies would be back by August 8th.

546

547 Mr. Miller indicated that the County Auditor typically takes about 10 days.

548

549 Ms. Hilvert noted that the staff anticipates having the information back by the first of next week. She further
550 noted that the Auditor is aware of the request and that City Council just had to add the additional language
551 before the Auditor could return the information to the city. She also noted that the benefit of waiting until

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552 August 22nd would be that it would allow City Council time to review the information received at the public
553 hearing and request any additional information that would needed. It does however wait until the last minute to
554 do the filing with the Board of Elections.

555

556 Mr. Steinbrink indicated that he would like the two weeks to analyse the information and have the option to
557 pursue other research needs or anything else that may result from the public hearing.

558

559 Mayor Harbison asked if there needed to be a motion tonight on this matter.

560

561 Ms. Hilvert indicated that City Council would need to make a motion to add the legislation to the August 22nd
562 agenda if the City Council is going to put anything on the November ballot.

563

564 Mayor Harbison asked if there was any other business to discuss in public session.

565

566 Mr. Steinbrink asked if City Council had any thoughts about City Council contacting that list of owners to see if
567 they would be interested in donating the land in light of the petition.

568

569 City Council agreed that it was worth a letter.

570

571 Mr. Suer indicated that it might be good to have that on hand as some kind of response from the owners, if we
572 get a response. He further indicated that if City Council could demonstrate that they made an effort to get a
573 response from the owners on that particular question, it would be a good idea.

574

575 Ms. Hilvert indicated that the initiative petition does cite that a one of the acquisition alternatives is the donation
576 of the land.

577

578 Mayor Harbison asked if there was any other business to discuss in public session. There being none, she asked
579 for a motion to adjourn.

580

581 Mr. Steinbrink moved to adjourn. Mr. Suer seconded.

582

583 City Council unanimously agreed.

584

585 City Council adjourned at 9:37 p.m.

586

587

588

589

590

Clerk of Council